

# **TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark Kutney, AICP, Development Services Director/(954) 797-1101

**SUBJECT:** Ordinance  
ZB 9-1-01 Patricia Assef/Benjamin and Margart Wolf, 6851 SW 45  
Street/Generally located between Orange Drive and SW 43 Court

**TITLE OF AGENDA ITEM:** AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO R-3, LOW DENSITY DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

## **REPORT IN BRIEF:**

The applicant is requesting to rezone the 1.84 acre subject site from A-1, Agricultural District to R-3, Low Density Dwelling District, in order to permit development of single family homes. The maximum density permitted on the subject site by its Future Land Use Designation is six (6) dwelling units. At this time it is not known how many units will be constructed. The subject site has been utilized for planting of exotic vegetation in association with an Agricultural Laboratory for approximately 25 years. Present on the site is a stand of mature Lychee nut trees and a variety of fruit trees.

The request is not in conflict with Comprehensive Plan or any element thereof. The subject site meets all of the Land Development Code's conventional single family residential development standards for the R-3, Low Density Dwelling District. The request will not create automobile traffic in excess of that which was anticipated by the underlying Residential land use designation. The proposed rezoning does not create an isolated zoning district and is consistent with the adjacent existing and planned uses. The proposed use can be considered to be in harmony with the general intent and purpose of the code, and will not be detrimental to the public welfare.

**PREVIOUS ACTIONS:** Town Council approved the request on its merits at its December 4, 2001 meeting (Motion carried 4-1 with Vice-Mayor Paul against).

**CONCURRENCES:** The Planning and Zoning Board recommended approval at its November 14, 2001 meeting (Motion carried 5-0).

**FISCAL IMPACT:** None

**RECOMMENDATION(S):** Motion to approve

**Attachment(s):** Ordinance, Land use map, Subject site map, Aerial

ORDINANCE \_\_\_\_\_

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO R-3, LOW DENSITY DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie authorized the publication of a notice of a public hearing as required by law, that the classification of certain lands within the Town be changed from A-1, Agricultural District to R-3, Low Density Dwelling District;

WHEREAS, said notice was given and publication made as required by law, and a public hearing thereunder was held on the date of the adoption of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE FLORIDA:

SECTION 1. That the property herein after described be and the same is hereby rezoned and changed from A-1, Agricultural District to R-3, Low Density Dwelling District:

a. The subject property is described in Exhibit "A", which is attached hereto and made a part hereof.

SECTION 2. That the zoning map heretofore adopted by the Town Council be and the same is hereby amended to show the property described in Section 1, herein, as R-3, Low Density Dwelling District.

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 5. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2001.

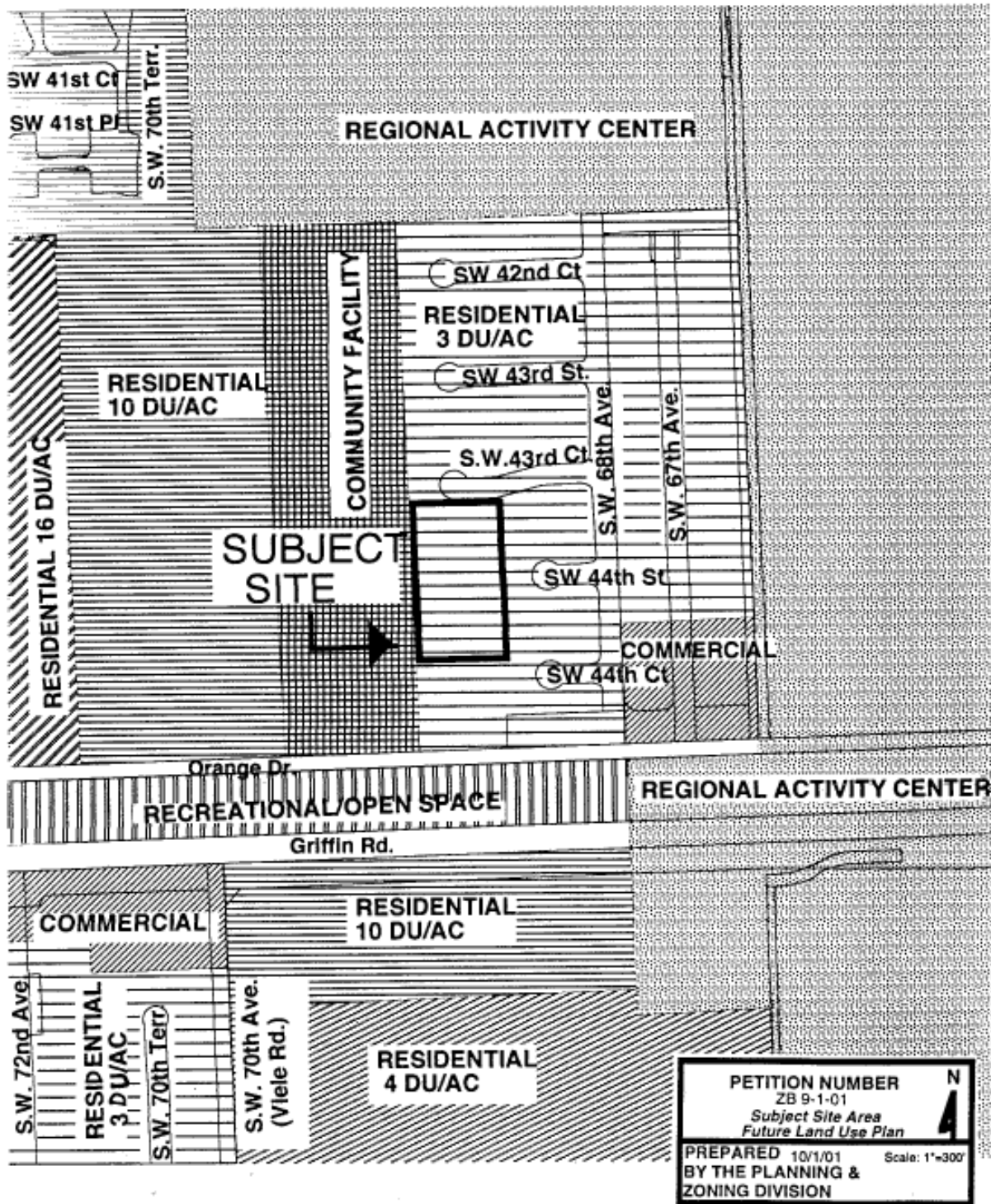
PASSED ON SECOND READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2002.

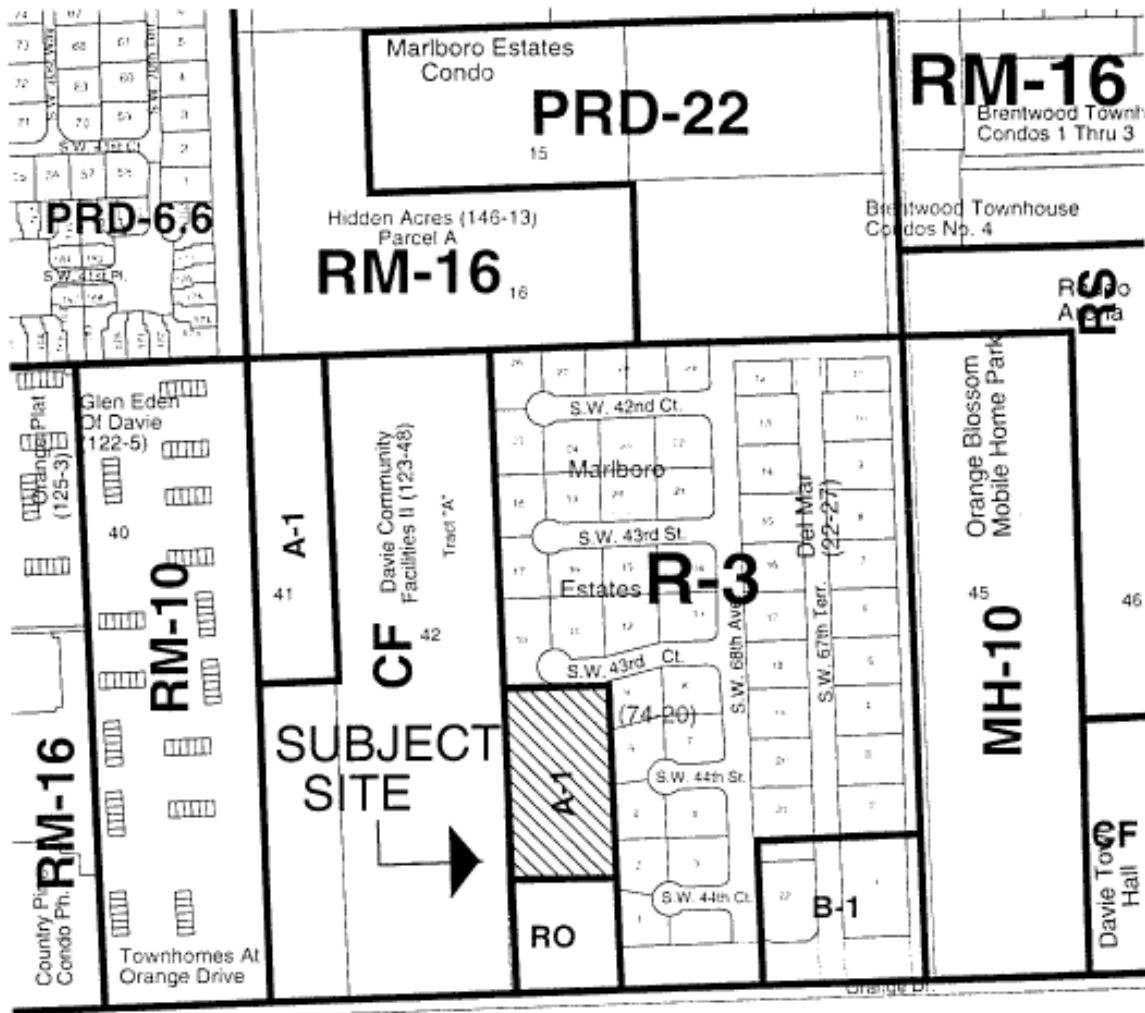
ATTEST:

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

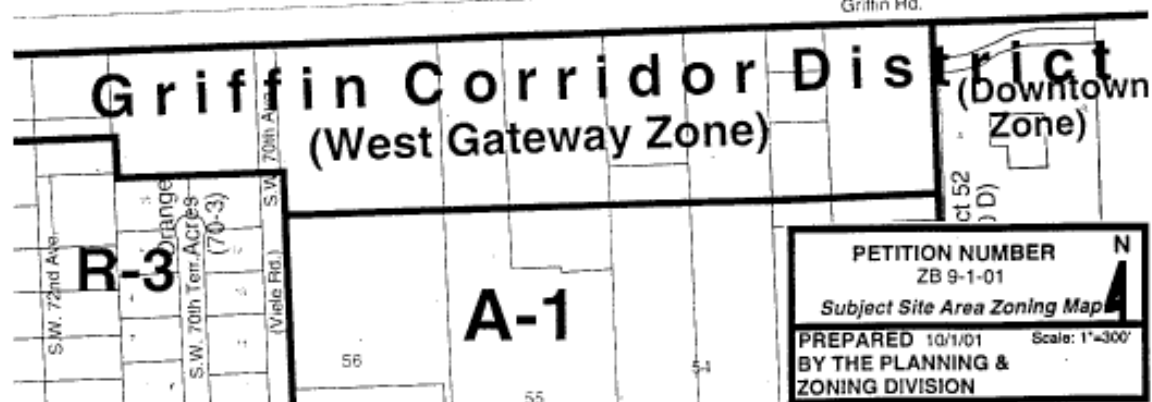
\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2002.





SOUTH NEW RIVER CANAL



<b>PETITION NUMBER</b>		<b>N</b>
ZB 9-1-01		
<b>Subject Site Area Zoning Map</b>		
<b>PREPARED 10/1/01</b>		<b>Scale: 1"=300'</b>
<b>BY THE PLANNING &amp; ZONING DIVISION</b>		

